

**CHILD PROTECTION ACCOUNTABILITY COMMISSION**  
**MAY 19, 2004**  
**CARVEL STATE OFFICE BUILDING, 820 N. FRENCH STREET**  
**GOVERNOR'S CONFERENCE ROOM**

**MINUTES**

Those in attendance:

Members of the Commission:

Jennifer Barber, Esq., Chair,  
The Honorable M. Jane Brady  
Carlyse A. Giddins  
John Humphrey  
The Honorable Chandlee J. Kuhn  
The Honorable Jennifer Mayo  
Janice Mink  
Mary Ball Morton (proxy for Sec. DeSantis)  
Julia Pearce  
Sergeant Renee Taschner

Statutory Role:

Child Protection Community 16 Del. C. § 912 (a)(10)  
Attorney General's Office 16 Del. C. § 912 (a)(3)  
Dir. of Div. of Family Servs. 16 Del. C. § 912 (a)(2)  
Child Protection Comm. 16 Del. C. § 912 (a)(10)  
Family Court 16 Del. C. § 912(a)(4)  
Family Court 16 Del. C. § 912(a)(4)  
Child Protection Comm. 16 Del. C. § 912 (a)(10)  
Children's Department 16 Del. C. § 912(a)(1)  
Child Placement Review Board 16 Del. C. § 912 (a)(7)  
NCC Dept. of Public Safety 16 Del. C. § 912(a)(10)

Tania M. Culley, Esq., Executive Director

Guests:

Trish Hearn  
Mary Catherine Landis  
Joseph Smack  
Candace Charkow  
Laura Miles  
Joe Bakker  
Ann Marie Johnson

I. Welcome

The Chair, Jennifer Barber, called the meeting to order and presided. For the benefit of guests, everyone introduced themselves.

II. Minutes

The minutes from the April 7 , 2004 meeting were unanimously approved with two minor corrections. The first correction changed the word "implementation" to "improvement" and the second changed "has launched" to "looking to launch."

III. Status of CPAC Legislation

i. SB 265 – DFS Caseload Standards

This bill was introduced by Senator Harris McDowell. The Senate passed the bill and it will be in the House Health and Human Development Committee on June 2, 2004.

ii. SB 279 – Child Near Death

This bill was introduced in the Senate by Senator Nancy Cook. A fiscal note was prepared for this bill in the amount of \$142,000 with two positions. The Children's Department is transferring a third position to fully staff the Child Death and Near Death Review Commission.

IV. Bills to Be Reviewed

Chief Judge Kuhn reported that the CPAC Legislative Subcommittee met Friday, May 14, 2004 and reviewed legislation with the overriding purpose of CPAC in mind, which is to monitor Delaware's child protection system to best ensure the health, safety and well-being of Delaware's abused, neglected and dependent children. The Subcommittee first reviewed concepts for potential legislation. The first was the De Facto Custodian legislation. A grandparents rights group had been propounding this issue. Tania Culley reported that a different version of their proposal had been proffered to the group, but there had been no response to date. Ms. Culley stated that the Office of the Child Advocate would oppose the legislation as currently drafted.

Next, the Subcommittee discussed legislation that would extend Family Court jurisdiction over youth between the ages of 18 and 21 who have aged out of the foster care system, but still maintain involvement with the Division of Family Services. The Children's Department would like to see a CPAC subcommittee look into this further. Chief Judge Kuhn reported that there is strong interest on the Family Court bench for this legislation. It was decided that CPAC will take up this issue at the July meeting and will likely form a subcommittee.

The Subcommittee also addressed pending legislation.

i. SB 224 and HB 395.

These two bills would codify certain exemptions from childcare licensing requirements for any privately funded facility that is part of a private school. It was reported that there appears to be no intent to move this bill on the Senate side, but due to a lack of communication, it was drafted and introduced on the House side as well. The Children's Department reported that it would oppose this legislation as drafted.

**ACTION:** Upon a motion duly made and seconded, CPAC voted to oppose SB224 and HB 395 with two abstentions.

ii. SB 271

This Bill reaffirms that Delaware will abide by the McKinney-Vento Homeless Education Assistance Education Act by ensuring that homeless children will attend school. This bill has a direct impact on our children in foster care.

**ACTION:** Upon a motion duly made and seconded, CPAC voted to support SB 271 with one abstention.

iii. HB 401

This bill, the “Civil Child Witness Act” creates protection for child witnesses in civil proceedings similar those already in place for children in criminal proceedings. This bill was a collaboration of Family Court, the Department of Justice, the Office of the Child Advocate and the Children’s Department. Representative Pam Maier has sponsored this bill.

**ACTION:** Upon a motion duly made and seconded, CPAC voted to support SB 401 with one abstention.

iv. HB 277

This bill is a conglomeration bill that incorporates HB 23 (Stand-by Adoption), HB 71 (Custody Bond) and HB 78 (Criminal Backgrounds-Custody).

**ACTION:** Upon a motion duly made and seconded, CPAC voted to support this bill if it includes the parts related to consideration of Criminal Backgrounds in the best interest analysis and to take no position on the bill if that portion is excluded. One abstention.

v. HB 235

This bill from the Child Placement Review Board authorizes the Board to use Ivyane Davis Scholarship monies as the state match to the federal Education and Training Vouchers. This new federal program assists youth exiting foster care with education and training and can pay for things such as rent, tools and classes. The State is required to provide a certain match.

**ACTION:** Upon a motion duly made and seconded, CPAC voted to support HV 235 with one abstention.

CPAC also discussed two bills, one related to minimum mandatory sentences (SB 96) and one related to child support (SB 151) and decided these issues were not within the statutory purpose of CPAC.

V. Other Business

The next CPAC meeting is July 14, 2004.

### ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 10:30 a.m.